



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 23
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Riverside Drive Utility and Road Reconstruction Project to acquire an 863 square foot street deed out of the Isaac Decker League, Abstract No 8, Survey No 20, in Travis County, Texas, in the amount of \$55,000. The owner of the needed property interests is D J INTERESTS, LTD, of Austin Texas. The property is located at 501 South Congress Avenue, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2005-2006 Approved Capital Budget of the Public Works Department.

FISCAL NOTE: A fiscal note is required.

REQUESTING DEPARTMENT: Public Works

DIRECTOR'S AUTHORIZATION: Sondra Creighton

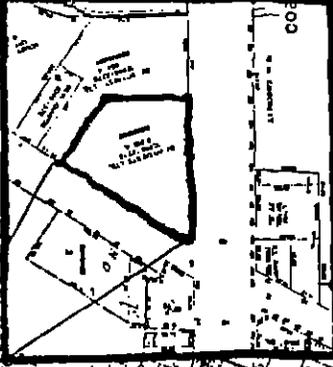
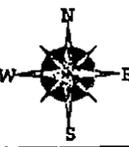
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078, Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: Council authorized the execution of a construction contract on September 1, 2005 for the Riverside Drive Utility and Road Reconstruction Project.

BOARD AND COMMISSION ACTION: N/A

The design plans for the Riverside Drive Utility and Road Reconstruction Project require a street deed to increase the turn radius at the street corner located at 501 Congress Avenue.

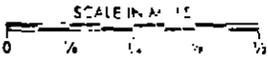
The City of Austin has attempted to purchase the needed property interest from the landowner. However, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



CONTINUED ON MAP 614

CONTINUED ON MAP 615

CONTINUED ON MAP 616



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**CIP BUDGET
FISCAL NOTE**

DATE OF COUNCIL CONSIDERATION 17-Nov-05
WHERE ON AGENDA Resolution
DEPARTMENT Public Works Department

DESCRIPTION: Approve a resolution authorizing the filing of eminent domain proceedings for the Riverside Drive Utility and Road Reconstruction Project to acquire an 863 square foot street deed out of the Isaac Decker Survey No 20, Abstract No 8, in Travis County, Texas, in the amount of \$55,000. The owner of the property interests sought to be condemned is D J INTERESTS, LTD, of Austin Texas. The property is located at 501 South Congress Avenue, Austin, Travis County, Texas.

FINANCIAL INFORMATION

Project Name	Street Reconstruction
Project Authorization	2005-2006 Approved Capital Budget
Funding Source	CIP Interest
Fund/Agency/Orgn	8400-607-8090

Total Current Appropriation	\$1,378,888 00
Unencumbered Balance	\$511,839 00
Amount of this Action	(\$55,000 00)
Estimated Available	<u>\$456,839 00</u>

Financial Approval Rusty Cobern

Date October 31, 2005

RESOLUTION NO. 20051117-0

WIIEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below, and

WHEREAS, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owner on the fair market value thereof, **NOW, TIHEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition

The City Attorney, or other authorized designee, shall file eminent domain proceedings for

Owners D J Interests, Ltd

Project Riverside Drive Utility and Road Reconstruction Project

Intended Purpose acquire a street deed to increase the turn radius at the street corner located at 501 South Congress Avenue in order to make that intersection safer for public use

Location 501 South Congress Avenue

Property Described in the attached and incorporated Exhibit A

ADOPTED: November 17, 2005

ATTEST: _____

Shirley A Brown
City Clerk